IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5383 OF 2004

Vinod Pranlal Avlani ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. Nitin H. Sejpal with Ms. Pooja Bhojne, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

15th December 2004

P.C.:

. Heard Counsel for the parties. Indeed, there is evidence to implicate the Applicant in the commission of the alleged offence. The Court below has adverted to the nature of evidence in paras 12 and 13 of the order rejecting prayer for bail at the instance of the Applicant. There is no reason to depart from the said opinion formed by the trial Court. However, in the peculiar facts of the present case, I am inclined to show indulgence to the Applicant having regard to the

fact that the investigation is complete and charge sheet has been filed and, more particularly, because it is a matter of record that the Applicant's wife is suffering from Chronic Lymphocyclic Lukaemia, which fact is supported by the doctor's certificate placed on record and not disputed by the prosecution. Besides, the Applicant has shown willingness to deposit sum of Rs.7,50,000/-, which allegedly has been received by him in relation to the transaction in question which deposit will be without prejudice to the rights and contentions and subject to the outcome of the present proceedings (trial). Taking overall view of the matter,

the Applicant is granted bail on the following terms.

(a) The Applicant be released on bail in connection with CR.No. 191/2004 registered with Bandra Kurla Complex Police Station on executing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with two local sureties in the like amount.

(b) The Applicant shall deposit sum of Rs.7,50,000/- (Rupees Seven lakh fifty thousand only) as assured before the trial Court within six weeks from the date of release, failing which it will be open to the investigating officer to take the Applicant in custody forthwith without further reference to the Court. The deposit to be made in the trial Court before the specified time.

(c) The Applicant shall not tamper with the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any way responsible for delay in disposal of the trial, that fact may be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above

terms.

. Parties to act on the authenticated copy of this order.